



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 9

75 Hawthorne Street
San Francisco, CA 94105

BRIEFING MEMO

DATE: January 30, 2014
SUBJ: Potential Emerging Issue – Refusal of RPs to Cooperate with Winter Air Sampling Requests
Hewlett Packard 620-640 Page Mill Road Superfund Site - Palo Alto, California
FROM: Melanie Morash, Remedial Project Manager
TO: Caleb Shaffer, Chief, California Site Cleanup Section I
Enrique Manzanilla, Director, Superfund Division

Main Issue – Are we prepared to support the Regional Water Board when the RPs appeal the Board’s “Workplan Requirement Letters” (TCE short-term/VI studies)?

Timeline –

- October 30th – Enrique & project team meet with HP/Varian group at EPA SF
 - o HP/Varian agree to prepare winter sampling workplan; **ask that no site-specific letter be issued**
- November – December – E-mails back and forth between RP counsel (Chris Roe) & Kathleen Salyer
- December 3rd – EPA issues South Bay Sites Letter (VI/TCE) to Regional Water Board
- December 13th – HP/Varian submit draft workplan
- Mid-late December – technical e-mail correspondence & calls between HP/Varian consultant & RPM on **alternative, more robust sampling strategies**
- January 3rd – RPM submits technical comment memo to RPs
- January 13th – HP/Varian submit final workplan which **does not reflect EPA’s technical recommendations**
- January 23rd – EPA team meets with HP/Varian in Palo Alto
 - o **Regional Water Board issues Workplan approval letter, which includes, as recommendation, an alternate sampling strategy that uses HP/Varian’s preferred device, but adds robustness to data**
 - o **HP/Varian counsel (Chris Roe) unhappy with “recommendation”**
- Last week in January – phone calls between Caleb & HP rep (Paul Paschke)
- Yesterday – Regional Water Board sends e-mail to HP/Varian, asking for response to the Workplan approval & HP/Varian’s intent as regards the winter sampling; **now drafting workplan requirement letter, citing December 3rd letter, and requiring a robust sampling workplan**